

Pro Se 3 (Rev. 12/16) The Defendant's Answer to the Complaint

FILED

UNITED STATES DISTRICT COURT

17 JUN 29 PM 12:37

for the

Western District of Texas

Austin Division

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY NO DEPUTY CLERK

VOIT TECHNOLOGIES, LLC

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MEDUSA SKATES, LLC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 1:17-cv-00473

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

THE DEFENDANT'S ANSWER TO THE COMPLAINT

I. The Parties Filing This Answer to the Complaint

Provide the information below for each defendant filing this answer or other response to the allegations in the plaintiff's complaint. Attach additional pages if needed.

Name	Medusa Skates, LLC / registered agent Julie A. Hunter
Street Address	3515 Hyridge Drive
City and County	Austin, Travis County
State and Zip Code	Texas 78759
Telephone Number	(512) 203-7203
E-mail Address	medusaskates@gmail.com

II. The Answer and Defenses to the Complaint

A. Answering the Claims for Relief

On a separate page or pages, write a short and plain statement of the answer to the allegations in the complaint. Number the paragraphs. The answer should correspond to each paragraph in the complaint, with paragraph 1 of the answer corresponding to paragraph 1 of the complaint, etc. For each paragraph in the complaint, state whether: the defendant admits the allegations in that paragraph; denies the allegations; lacks sufficient knowledge to admit or deny the allegations; or admits certain allegations but denies, or lacks sufficient knowledge to admit or deny, the rest.

B. Presenting Defenses to the Claims for Relief

Write a short and plain statement identifying the defenses to the claims, using one or more of the following alternatives that apply.

1. The court does not have subject-matter jurisdiction over the claims because *(briefly explain why there is no federal-question jurisdiction or diversity-of-citizenship jurisdiction; see the complaint form for more information)*

2. The court does not have personal jurisdiction over the defendant because *(briefly explain)*

3. The venue where the court is located is improper for this case because *(briefly explain)*

4. The defendant was served but the process-the form of the summons-was insufficient because *(briefly explain)*

5. The manner of serving the defendant with the summons and complaint was insufficient because *(briefly explain)*

6. The complaint fails to state a claim upon which relief can be granted because *(briefly explain why the facts alleged, even if true, are not enough to show the plaintiff's right to recover)*
The patent at issue ('412) has expired and VOIT's claims for damages are limited to damages occurring prior to the expiration date.

7. Another party *(name)* _____ needs to be joined (added) in the case. The reason is *(briefly explain why joining another party is required)*

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- a. If the basis for subject-matter jurisdiction is diversity of citizenship, state the effect of adding the other party:
The other party is a citizen of the State of *(name)* _____.
Or is a citizen of *(foreign nation)* _____. The amount of
damages sought from this other party is *(specify the amount)* _____.
- b. If the claim by this other party is based on an alleged violation of a federal constitutional or statutory right, state the basis:

C. Asserting Affirmative Defenses to the Claims for Relief

Identify an affirmative defense or avoidance that provides a basis for the defendant to avoid liability for one or more of the plaintiff's claims even if the basis for the claim is met. Any affirmative defense or avoidance must be identified in the answer. Include any of the following that apply, as well as any others that may apply.

The plaintiff's claim for *(specify the claim)*

patent infringement is invalid as the patent at issue ('412) has expired and VOIT's claims for damages are limited to damages occurring prior to the expiration date

is barred by *(identify one or more of the following that apply)*:

1. Accord and satisfaction *(briefly explain)*

2. Arbitration and award *(briefly explain)*

3. Assumption of risk *(briefly explain)*

4. Contributory or comparative negligence of the plaintiff *(briefly explain)*

5. Duress *(briefly explain)*

6. Estoppel (*briefly explain*)

7. Failure of consideration (*briefly explain*)

8. Fraud (*briefly explain*)

9. Illegality (*briefly explain*)

10. Injury by fellow employee (*briefly explain*)

11. Laches (Delay) (*briefly explain*)

The patent at issue ('412) has expired and VOIT's claims for damages are limited to damages occurring prior to the expiration date.

12. License (*briefly explain*)

The patent at issue ('412) has expired and VOIT's claims for damages are limited to damages occurring prior to the expiration date.

13. Payment (*briefly explain*)

14. Release (*briefly explain*)

15. Res judicata (*briefly explain*)

16. Statute of frauds *(briefly explain)*

17. Statute of limitations *(briefly explain)*

The patent at issue ('412) has expired and VOIT's claims for damages are limited to damages occurring prior to the expiration date.

18. Waiver *(briefly explain)*

The patent at issue ('412) has expired and VOIT's claims for damages are limited to damages occurring prior to the expiration date.

19. Other *(briefly explain)*

The patent at issue ('412) has expired and VOIT's claims for damages are limited to damages occurring prior to the expiration date.

D. Asserting Claims Against the Plaintiff (Counterclaim) or Against Another Defendant (Cross-Claim)

For either a counterclaim against the plaintiff or a cross-claim against another defendant, state briefly the facts showing why the defendant asserting the counterclaim or cross-claim is entitled to the damages or other relief sought. Do not make legal arguments. State how each opposing party was involved and what each did that caused the defendant harm or violated the defendant's rights, including the dates and places of that involvement or conduct. If more than one counterclaim or cross-claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. The defendant has the following claim against the plaintiff *(specify the claim and explain it; include a further statement of jurisdiction, if needed)*:

2. The defendant has the following claim against one or more of the other defendants *(specify the claim and explain it; include a further statement of jurisdiction, if needed)*:

3. State briefly and precisely what damages or other relief the party asserting a counterclaim or cross-claim asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons that are alleged to entitle the party to actual or punitive money damages.

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- a. The defendant asserting the counterclaim or cross-claim against *(specify who the claim is against)* _____ alleges that the following injury or damages resulted *(specify)*:

- b. The defendant seeks the following damages or other relief *(specify)*:
costs of court, attorney's fees and such other and further relief as Defendant may be entitled to in law or in equity

III. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this answer: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the answer otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

6/29/17

Signature of Defendant

Printed Name of Defendant Julie A. Hunter

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

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Telephone Number

(512) 203-7203

E-mail Address

medusaskates@gmail.com

Paragraph 15: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 16: Defendant denies the allegations alleged in paragraph 16.

Paragraph 17: Defendant denies the allegations alleged in paragraph 17.

Paragraph 18: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 19: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 20: Defendant denies the allegations alleged in paragraph 20.

Paragraph 21: Defendant denies the allegations alleged in paragraph 21.

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
Austin Division**

**VOIT TECHNOLOGIES, LLC,
Plaintiff,**

vs.

**MEDUSA SKATES, LLC,
Defendant.**

§
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§
§

Case No: 1:17-cv-00473

DEFENDANT'S ORIGINAL ANSWER

NOW COMES Medusa Skates, LLC, defendant, and files this Original Answer, and shows the Court in response to II.A states:

Paragraph 1: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 2: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 3: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 4: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 5: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 6: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 7: Defendant admits the allegations alleged in paragraph 7.

Paragraph 8: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 9: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 10: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 11: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 12: Defendant denies the allegations alleged in paragraph 12.

Paragraph 13: Defendant lacks sufficient knowledge to admit or deny the allegations.

Paragraph 14: Defendant lacks sufficient knowledge to admit or deny the allegations.

I agree to provide the Clerk's Office with any changes to my address served. I understand that my failure to keep a current address on file in the dismissal of my case.

Date of signing: 6/29/17

Printed Name of Defendant _____

 Julie A. Hunter

Date of signing:

Printed Name of Attorney

Name of Law Firm

State and Zip Code

Telephone Number

(512) 203-7203

medusaskates@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of (title of document) DEFENDANT'S ANSWER
was served by (method of delivery) EMAIL
on (date) 6/30/17 to:

Name: DAVID F. TAMAROFF
Fax/E-Mail: DT@LIPSCOMBPARTNERS.COM
Address: _____

Name: _____
Fax/E-Mail: _____
Address: _____

Name: _____
Fax/E-Mail: _____
Address: _____

Name: _____
Fax/E-Mail: _____
Address: _____

Name: _____
Fax/E-Mail: _____
Address: _____

Signed Name: _____

Printed Name: JULIE HUNTER